

4. Plaintiffs are “consumers” as defined in 15 U.S.C. § 1692a(3) as they are natural persons allegedly obligated to pay a debt.

5. At all relevant times, Defendants acted as a “debt collector” within the meaning of 15 U.S.C. § 1692a(6) in that they held themselves out to be a company collecting a consumer debt allegedly owed by Plaintiffs.

6. The aforementioned alleged debt is a “debt” within the meaning of 15 U.S.C. § 1692a(5), in that it is an alleged obligation of Plaintiffs to pay money arising out of a transaction in which the money, property, insurance and/or services which are the subject of the transaction were primarily for personal, family and/or household purposes.

7. On information and belief, Defendant, WILLIAM J. ALLEN, P.A., is a professional association of the State of North Carolina and which has its principal place of business in Matthews, North Carolina.

8. On information and belief, Defendant, WILLIAM J. ALLEN, is an individual who resides in Charlotte, North Carolina.

COUNT I

(Violation of the Fair Debt Collection Practices Act)

8. Defendants, through its agents, representatives and/or employees, began contacting Plaintiff during or about April 2012 in attempts to collect the aforementioned alleged debt.

9. Defendants failed to send Plaintiff notice regarding the alleged debt, as required by 15 U.S.C. § 1692g(a).

10. On or about April 2, 2012, Defendants sent a letter to Plaintiff in an attempt to collect the alleged debt. Defendants’ letter stated that in order to obtain verification of the

alleged debt, Plaintiff was required to notify Defendants that it was disputed within “30 days,” as opposed to within 30 days of Plaintiff’s receipt of that letter.

11. In its attempts to collect the aforementioned alleged debt, Defendants violated the FDCPA in one or more of the following ways:

- a. Failing to provide a proper notice to Plaintiffs which as required by 15 U.S.C. § 1692g; and
- b. By acting in an otherwise deceptive, unfair and unconscionable manner and failing to comply with the FDCPA.

12. As a result of Defendants’ violations as aforesaid, Plaintiffs have suffered and continue to suffer personal humiliation, embarrassment, mental anguish and emotional distress.

WHEREFORE, Plaintiffs, PATRICIA BAPTISTE and DENFIELD BAPTISTE, respectfully pray for a judgment against Defendants as follows:

- a. Statutory damages of \$1,000.00 for each Plaintiff for each violation of the FDCPA;
- b. All reasonable attorneys’ fees, witness fees, court costs and other litigation costs incurred by Plaintiffs; and
- c. Any other relief deemed appropriate by this Honorable Court.

JURY DEMAND

Pursuant to Civil Rule 38, Plaintiffs hereby demand a trial by jury on all issues in this action, except for any issues relating to the amount of attorneys’ fees and litigation costs to be awarded should Plaintiffs prevail on any of their claims in this action.

Respectfully Submitted,

/s/ Mitchel E. Luxenburg
Mitchel E. Luxenburg (42021)
Luxenburg & Levin, LLC
Attorney for Plaintiff
23875 Commerce Park
Suite 105
Beachwood, OH 44122
(888) 493-0770, ext. 301 (phone)
(866) 551-7791 (facsimile)
Mitch@LuxenburgLevin.com